CLASSIFICATION OFFICE DECISION

Title of publication:	n537330050_2965678_3554.jpg
Other known title(s):	Not stated
OFLC ref:	1000013.000
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	The District Court at Blenheim
Classification:	Unrestricted.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	05 February 2010
Date of direction to issue a label:	No direction to issue a label has been issued

Summary of reasons for decision:

The publication is a computer image file depicting a partially nude young woman posed in a manner that suggests she is masturbating. The suggestion is provided by her lack of underwear and the positioning of her hand, but her genitals are out of frame.

The computer image file was submitted for classification because the informant in the related court proceedings was concerned that it promoted or supported the exploitation of children, or young persons, or both, for sexual purposes, or that it exploited the nudity of children, or young persons, or both, and should therefore be classified as objectionable. The age of the young woman depicted is difficult to ascertain; she could be anywhere from her mid-teens to her late teens or early twenties. As such, the publication cannot fairly be said to contain an image of a young person, nor has there been any particular attempt to present the subject as a young person.

The publication deals with matters of sex in a very minor way, and its unrestricted availability is unlikely to cause injury to the public good. As such, a restricted classification would be unreasonable. This classification is consistent with the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990.